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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,717	03/04/2005	Peter Rieth	PC10525US	6967
23122	7590	05/17/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			PHAM, LAM P	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			05/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/526,717

Applicant(s)

RIETH ET AL.

Examiner

Lam P. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22,24,26 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,24,26 and 40-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                           |                                                                                        |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                          | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22, 24 and 26 are rejected under 35 U.S.C. 102(B) as being anticipated by **Kulick et al.** (US 3703217).

Re claim 22, Kulick disclose a steering handle for motor vehicles comprising:

a core (6);

a secondary metal (7) about the core;

a dielectric material between said core and said secondary metal such that a capacitor is defined thereby; and

means (11-15) for monitoring a capacitance of the capacitor and determining a contact between at least one hand of the driver and the steering handle provided based on the monitored capacitance (capacitive free-hand recognition) as seen in Figures 1-3; col. 2, lines 54 to 4, lines 58.

Re claim 24, Kulick discloses the steering handle is provided with a capacitive free hand recognition as seen in claim 22 for explanation.

Re claim 26, Kulick discloses damping of the monitored capacitance is identified (by monitoring means 11-15) when the driver acts upon the steering handle as seen in col. 3, lines 12-28 and col. 4, lines 11-24.

Re claim 40, Kulick discloses the change of capacitance, in particular its damping, is recorded (by monitoring circuit 11-15) which is caused by the driver acting upon the steering handle as seen in col. 3, lines 12-28 and col. 4, lines 11-24.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 41-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Kulick et al.

Re claims 41-42, Kulick discloses the steering handle with free hand recognition of claim 22 is provided on a steering wheel system for motor vehicle as seen in Figure 1; col. 1, lines 4-17. However, Kulick fails to specifically disclose the steering handle is provided on a steer-by-wire steering system or a steering system for a motor vehicle on which a steering torque is actively applied (IPAS).

Whether the steering handle with free hand recognition is provided on a vehicle including a steer-by-wire system or steering system with a steering torque is actively applied is just a matter of intended application since both systems are known available

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systems on motor vehicle, thus, it would have been obvious to one of ordinary skilled in the art to provide the steering handle with free hand recognition on a steering system including known steering systems available on motor vehicles as matter of desired application.

5. Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulick et al. in view of Sutherland (US 6218947).

Re claim 43, Kulick fails to disclose further comprising a second secondary metal about the core and configured such that the secondary metal and the second secondary metal define a differential capacitor.

Sutherland in same field of endeavor teaches of a steering handle (14) comprising a conventional core and a secondary metal (20) and second secondary metal (22) define a differential capacitor as seen in Figures 2-3; col. 4, lines 1-67.

In view of Sutherland's teaching, it would have been obvious to one of ordinary skilled in the art to incorporate second secondary metal or conductor into the steering handle of Kulick to form a differential capacitor with the secondary metal conductor to increase the overall effectiveness and reliability of hand free recognition system.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 10AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lam P Pham  
Examiner  
Art Unit 2612

May 11, 2007.

  
**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**